

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

UNITED STATES OF AMERICA,)
)
)
)
v.)
) Docket no. 1:09-CR-30-GZS
EDWARD BROWN & ELAINE BROWN,)
)
)
)
Defendants.)
)

ORDER ON DEFENDANTS' MOTION TO DISMISS

Before the Court is the "Notice and Demand" filed by Defendants on March 26, 2009, which this Court has docketed and treated as a Motion to Dismiss (Docket # 45). The Government filed its Objection (Docket # 61) on April 17, 2009. On April 24, 2009, Defendants filed a document titled, "Affidavit of Edward-Lewis: Brown© and Elaine Alice: Brown© by Special Visitation, of Response to U.S. Attorney's Objection to Creditors' 'Notice and Demand'" (Docket # 64). The Court treats this filing as a reply to the March 26, 2009 Motion. The Court reads Defendants' Motion as seeking dismissal of all charges in this case based on misnomer. In short, Defendants claim that they are not properly named in the Indictment. The Government's Response asserts the Court should find that it has both personal jurisdiction over these two individual defendants as well as subject matter jurisdiction over the offenses set forth in the Indictment. The Court so finds for the reasons stated in the Government's Response and based on its own review of the entire docket in this matter. In the assessment of this Court, Defendants' misnomer argument as well as their arguments that their names are protected by copyright and, thus, may not be used in court filings are meritless. Nonetheless, the arguments

are hereby preserved for appeal should Defendants ultimately seek appellate court review of these proceedings.

Therefore, the Court hereby DENIES Defendants' Motion to Dismiss (Docket # 45). This matter remains set for jury selection on June 29, 2009 with trial set to commence on June 30, 2009.

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 30th day of April, 2009.